

## DISTRICT COURT (FIRST DISTRICT: CACHE COUNTY) [1686]

### PROBATED WILLS, 1913, 1915, 1938, 1939-[ongoing]

5 microfilm reels

**DESCRIPTION:** Probated copies of the last will and testament (including any codicil) of Cache County testators submitted to the First District Court for probate make up this series. The structure of individual wills may vary greatly, from a simple manuscript with a single substantive provision to a complex document with multiple sections which cover a variety of topics concerning the estate. Basic information includes the testator's name, county of residence, and, in some cases, occupation or trade, plus directions, requests, and bequests. Bequests to heirs may cite relationship to the deceased and specify particular items or properties bequeathed. The name of the person(s) appointed executor(s) is usually cited. A certificate of proof of will was included until September 1942. Collectively the series is composed of loose papers from individual cases (both holographic and typewritten); it is not a compilation of documents from multiple matters transcribed in record books.

**ARRANGEMENT:** The probated wills are arranged numerically by consecutively assigned estate number.

**RESEARCH NOTE:** Utah law provides that a will may be deposited by the testator or his agent with the county clerk for safekeeping under the rules of the court. Wills generally are considered to be confidential until probated, after which they are public data (Uniform Probate Code, *UCA* 75-2-901 [1975]). Copies of probated wills may also be found in the case files or transcribed in minute/record books. Wills from estates 9075 and higher (probated since December 21, 1984), remain in the custody of the court clerk. No will exists for individuals who die intestate, leaving distribution of the estate to the discretion of the court.

**RELATED RECORDS:** Corresponding case numbers are available through the PROBATE INDEX (Series 22659). Case numbers as well as a summary of actions filed in probate cases, including a brief abstract of motions and orders, the amount of fees collected, and the eventual disposition, are noted in the PROBATE REGISTER OF ACTIONS (Series 22724). A daily record of documents filed (including transcribed wills) and actions taken with regard to every matter brought before each session of the court is found in the PROBATE MINUTE BOOKS (Series 22905). Copies of wills, bonds, letters testamentary, and related documents filed from 1876 to 1906 were transcribed in PROBATE RECORD BOOKS (Series 767).

**CUSTODY HISTORY:** The Cache County Clerk was constitutionally designated as *ex-officio* clerk of First District Court in and for Cache County until 1989 when the state assumed full financial and administrative responsibility for the district court. At that time a new court clerk was appointed. The district court clerk transferred these probated wills to the state archives in May 1994.

**PROCESSING NOTE:** Probate files, wills, and codicils are designated as permanent by the Utah State Courts Records Retention Schedule. The schedule specifies a 10-year retention before microfilming. Wills from estate numbers 1121 (1913), 1589 (1915), 3631 (1938), and 3723-9075 (1939-1984) were filmed by the Utah State Archives in April 1994. These microfilm records were archivally processed by W. Glen Fairclough, Jr., in June 2000.

**PREFERRED CITATION:** Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

**GAPS IN THE SERIES:** The bulk of the wills were filed between February 14, 1939, and December 21, 1984 (estate nos. 3723-9075). While all years during this period are accounted for, numerous wills (random individual and small clusters) are missing. Only three isolated wills prior to 1939 are included: no. 1121 (July 25, 1913); no. 1589 (December 27, 1915); and no. 3631 (April 6, 1938).

## CONTAINER LIST

Reel	Description
1	1121 [July 25, 1913]; 1589 [December 27, 1915]; 3631 [April 6, 1938]
1	3723-5144 [February 14, 1939-April 17, 1952]
2	5145-6430 [May 1, 1952-October 10, 1963]
3	6433-7560(cont.) [October 18, 1963-February 23, 1973]
4	7560(cont.)-8399 [February 23, 1973-February 22, 1980]
5	8402-9075 [March 6, 1980-December 21, 1984]

